

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

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IN RE BROADCOM CORPORATION, QUALCOMM  
INCORPORATED, AND QUALCOMM  
ATHEROS, INC.,  
*Petitioners.*

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2013-141

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On Petition for Writ of Mandamus to the United  
States District Court for the Eastern District of Texas in  
No. 11-CV-0139, Chief Judge Leonard Davis.

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Before PROST, *Chief Judge*, MOORE and O'MALLEY, *Circuit  
Judges.*

MOORE, *Circuit Judge.*

### O R D E R

Broadcom Corporation, Qualcomm Incorporated, and  
Qualcomm Atheros, Inc. originally sought a writ of man-  
damus ordering the U.S. District Court for the Eastern  
District of Texas to dismiss this case or, in the alterna-  
tive, to transfer the case. In an April 23, 2013 order, this  
court denied the petition. Thereafter, the Supreme Court  
of the United States granted a writ of certiorari, vacated  
this court's judgment, and remanded the case to the court  
for further consideration in light of its holding in *Atlantic  
Marine Construction Co. v. U.S. Dist. Court for the W.*

*Dist. of Texas*, — U.S. —, 134 S. Ct. 568 (2013). These mandamus proceedings were stayed pending this court's disposition of a related appeal, *Azure Networks, LLC v. CSR, PLC*, 2013-1459. After the mandate in that appeal issued, the parties separately informed the court regarding how they believe this petition for mandamus should proceed.

We deem it the better course to grant in part the petition for a writ of mandamus, vacate the district court's September 27, 2012 order, and remand to the district court for reconsideration of its order in light of the holding in *Atlantic Marine*.

Accordingly,

IT IS ORDERED THAT:

The petition for writ of mandamus is granted to the extent that the district court's September 27, 2012 order is vacated and the case is remanded to the district court for further proceedings consistent with this order.

FOR THE COURT

/s/ Daniel E. O'Toole

Daniel E. O'Toole

Clerk of Court